

## Freedom of the Press

Malta's constitution guarantees freedoms of speech and of the press, but it limits these rights under a variety of circumstances. Laws against "vilification" of or "giving offense" to the Roman Catholic faith, the country's official religion, have led to restrictions on expression. Maltese law strongly defends public morality by criminalizing obscene speech, acts, and gestures. In June 2012, the criminal code and the Press Act were amended to include gender identity and sexual orientation, in addition to race, as prohibited grounds for hate speech. Although journalistic protection of sources is safeguarded under Article 46 of the Press Act, journalist Matthew Vella of *Malta Today* was arrested in July 2013 for publishing an attachment order, which is illegal under Article 4 of Malta's Prevention of Money Laundering Act, and refused to disclose his source despite police probing. In December 2013, Parliamentary Secretary Jose Herrera announced plans to overhaul Malta's censorship laws in the interest of doing away with censorship in the arts, but no changes had been implemented by year's end.

Defamation is a criminal offense, and perceived victims have a legal right to reply. Civil libel cases are also common, with news outlets occasionally ordered to pay exorbitant damages. Malta was plagued by libel suits in 2013, with many suits arising prior to early elections in March. Between January and March, at least 16 suits were filed either by or against individuals invested in the elections. Upon entering office in March 2013, Prime Minister Joseph Muscat declared that Malta's criminal libel laws needed to be reformed. However, he supported Labor Party candidate Emmanuel Mallia when Mallia sought criminal action against Nationalist Party secretary general Paul Borg Olivier in February 2013, after Finance Minister Tonio Fenech—also of the Nationalist Party—accused Mallia of involvement in a fuel procurement scandal involving Enemalta, the country's energy supplier. Beginning in February 2013, General Workers' Union leader Tony Zarb filed seven suits against two Nationalist Party members and ministers, Fenech and Austin Gatt. While testifying in a libel suit in September 2013, *Mediatoday* managing editor Saviour Balzan told a court that former prime minister Lawrence Gonzi tried to pressure him into not publishing election surveys leading up to the 2008 vote because he thought they would cost him the election.

Many libel suits also resulted in fines or jail terms in 2013. In March, Joe Borg received a six-month suspended sentence for sending defamatory e-mails to Rita Schembri, chief of the Internal Audit and Investigation Department in the Office of the Prime Minister, in an attempt to blackmail her. In September, the Labor Party and newspaper *I-orizzont* were ordered to pay €5,000 (\$6,600) to European Union Commissioner Tonio Borg for an advertisement in 2007 that he claimed was libelous. In October, a former editor and a reporter for newspaper *KullHadd* were each fined €2,500 in a suit filed by Peter Fenech over an article published in 2008, and former minister Giovanna Debono won €5,000 in a suit against *KullHadd* for an article claiming that she had abused her power as acting prime minister. In November, Kurt Farrugia, former editor of One TV, was fined €2,500 for a story surrounding the divorce referendum campaign on One News in 2011. And in December, Frans Ghirxi, the former editor of *I-orizzont*, was forced to pay €7,000 for political advertisements that appeared in 2009.

In September 2012, Malta's 2008 Freedom of Information (FOI) Act went into full effect, allowing any resident of the country or citizen of the European Union to submit a request for public information. In March 2013, members of the appeals tribunal resigned, causing a freeze in the already cumbersome appeals process. The tribunal was still not functioning by the end of 2013. In December 2013, *Malta Today* complained that the Armed Forces of Malta refused a request for details about its October rescue of

refugees shipwrecked off of the coast of Lampedusa. The paper also claimed that public authorities generally refuse to comply with FOI requests by journalists.

The Broadcasting Authority regulates and monitors all radio and television broadcasts. Its members are appointed by the president on the advice of the prime minister, an arrangement that has been criticized for being overly political.

The government does not restrict the internet. In October 2012, a proposal was submitted to entrench digital rights in the Maltese constitution, which had not passed by the end of 2013. Malta is a physically safe environment for journalists, with no reported cases of threats or harassment in 2013.

The active independent media sector is free to convey a variety of opinions, with at least five daily and two weekly newspapers publishing in both Maltese and English. Political parties, private businesses, and the Catholic Church all have direct investments in broadcasting and print media, and these outlets openly express partisan views. The only national television broadcaster is PBS's TVM, though the country also has access to Italian television, which many Maltese watch. The internet was regularly accessed by 69 percent of the population in 2013.

## **2014 Scores**

### **Press Status**

Free

### **Press Freedom Score**

**(0 = best, 100 = worst)**

23

### **Legal Environment**

**(0 = best, 30 = worst)**

5

### **Political Environment**

**(0 = best, 40 = worst)**

9

### **Economic Environment**

**(0 = best, 30 = worst)**

9